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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,079	10/20/2000	JON DAKSS	WMI-004 (8415/4)	7895

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EXAMINER	
KOENIG, ANDREW Y	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/694,079	DAKSS ET AL.	
	Examiner	Art Unit	
	Andrew Y Koenig	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *26-28,33-43 and 49-74* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26-28,33-43 and 49-74* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *See continuation 3*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 14 June 2004 have been fully considered but they are not persuasive.

2. The applicant argues that there is no motivation to combine Kaiser and Blackketter to teach, "a plurality of annotations having equal timing information," as recited in claim 28. The examiner disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine is derived from the knowledge generally available to one of ordinary skill in the art. In other words, one of ordinary skill in the art would readily recognize that life spans of triggers being of equal timing would be advantageous in that the users of the system would be able to easily identify the triggers and respond accordingly.

The applicant further disagrees "that one would readily recognize that equal timing is an inherent feature of the system." The examiner disagrees; Blackketter teaches different methods of having life spans for triggers, wherein the timing can be

either equal or unequal timings, and the examples as disclosed show the same equal timing but with different time bases (col. 9, ll. 48-67), which equates to equal timing.

The applicant previously cancelled claims 1-11 as claims 64-74, respectively, but has provided no specific argument as to their reasons for placing the application in condition for allowance.

3. Applicant's arguments with respect to claims 52-62 have been considered but are moot in view of the new ground(s) of rejection.

Further, the applicant has made no specific arguments to newly introduced claims 52-62.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 26-28, 33, 35-43, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser et al. in view of U.S. Patent 6,415,438 to Blackketter et al.

Regarding claim 26, Kaiser is silent on the timing information comprising one of a timestamp, timecode, frame numbering, or global time of day. Blackketter teaches inserting triggers with a time attribute (col. 4, ll. 64-67), such as a frame number (col. 6, ll. 16-22). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Kaiser by using time information such as a frame number as taught by Blackketter in order to eliminate a delay loop (Blackketter: col. 2, ll. 59-61).

Regarding claim 28, Kaiser teaches a reproduction apparatus (fig. 1, label 1300) in communication with a broadcast channel (col. 4, ll. 59-67; col. 5, ll. 22-31), a display (fig. 1, label 1200) (claimed display device). Kaiser teaches a receiver decoding a digital signal to recover a video signal (such as high definition television formats, see col. 5, ll. 30) and annotation data (fig. 2). Kaiser teaches displaying annotation information in response to a viewer request (fig. 5, col. 9, ll. 37-65), which is available on a frame-by-frame basis.

Kaiser teaches is silent on the annotation data having equal timing information. Blackketter teaches life spans for triggers, which clearly permit the equal timing information of annotation data (col. 10, ll. 1-12), in that one would readily recognize that equal timing is an inherent feature of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by having equal timing information for annotation data as taught by Blackketter in order to present the triggers to the user in an effective and predictable fashion thereby increasing user interactivity. Kaiser teaches the user selecting which of the annotations is to be displayed (col. 9, ll. 37-65).

Regarding claim 27, Kaiser clearly synchronizes the placement zones and the video in response to timing information in order to place the placement zones over the proper location, such as a car as shown in figures 6A-6D.

Regarding claim 33, Kaiser teaches product purchase actions (col. 12, ll. 29-54), which reads on information regarding goods and services.

Regarding claim 35 and 36, Kaiser teaches a placement zone which references a product being displayed, wherein the placement zone is a location of an object (Abstract).

Regarding claims 37-39, Kaiser teaches placement zones for various frames (fig. 2, col. 6, ll. 9-17), wherein the placement can track an image at the upper left corner (col. 10, ll. 34-38). Whereas Kaiser is silent on a location reference at the centroid pixel, Official Notice is taken that a center position is well known in the art, such as tracking an object by the center position. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by using a center position (as a reference point) in order to properly track an image thereby increasing the effectiveness of the placement zone.

Regarding claims 40-42, Kaiser teaches location and shape information such as the shape and location of the car (col. 10, ll. 34-38), see figures 6A-6D, wherein the visual highlight (fig. 6B, label 6500) is a graphical overlay and has an outline of the car.

Regarding claim 43, Kaiser is silent on a mathematical representation of set of pixels. Official Notice is taken that mathematical representation of pixels are well known in the art, such as vectors used in video encoding in order to reduce the bandwidth by reducing duplicity of the pixels. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by using a

mathematical representation in order to save bandwidth and process the information at the client side.

Regarding claim 49, Kaiser teaches a back channel (fig. 1, label 1400-data network).

Regarding claim 50, Kaiser teaches product selection or information (col. 3, ll. 3-5), collecting user information (col. 14, ll. 3-21), and accepting information regarding a commercial transaction and completing the transaction (fig. 9).

Regarding claim 51, Kaiser performs a 'secure transaction verification' procedure (fig. 9, label 9300), which in the broadest reasonable sense has some information regarding a viewer identifier in order to identify the viewer.

Regarding claim 52, Kaiser teaches plural annotations, which as discussed in claim 28 have equal timing. Further, Kaiser teaches that the plurality of annotations would be different in that the system will need to differentiate among plural annotations in that they will have different masks and provide different information.

6. Claims 53-56 and 58-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser et al. in view of U.S. Patent 6,282,713 to Kitsukawa et al.

Regarding claim 53, Kaiser teaches a reproducing apparatus (fig. 1, label 1300), which reads on a receiver that receives video (col. 5, ll. 10-31) and action resource data (claimed annotation data) (col. 5-6, ll. 55-8), wherein the action resource data includes overlay information as shown in figure 6B (col. 10, ll. 9-41), selectable actions (claimed

object data appearing on a portion of the video) (fig. 6A-6D), and timing information (fig. 2, col. 6, ll. 9-64). Whereas Kaiser does not explicitly teach a data store storing at least a portion of the received annotation data, the system inherently stores a portion of the data in buffers, memory, or processor registers in order to process the received information. Kitsukawa teaches synchronizing the display of the overlay and object data with portions of the video, but is silent on synchronizing the image data responsive to a user command.

In analogous art, Kitsukawa teaches an integrated receiver/decoder (IRD), which equates to a viewer interaction device (fig. 2 and 3, label 2; col. 5, ll. 1-28), wherein Kitsukawa teaches the user selecting an advertisement mode, wherein the annotation data is displayed to the viewer (col. 6-7,ll. 65-21), which equates to displaying annotation data on said display device in response to a viewer activating said viewer activating said viewer interaction device (fig. 5-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by performing the display of the annotation data in response to a user command as taught by Kitsukawa in order to enable the user to further diversify the system by customizing the system to the specific user's desires.

Regarding claim 54, as shown in figure 6B, Kaiser visually identifies the object.

Regarding claim 55, as shown in figure 6B, Kaiser teaches the location of the object.

Regarding claim 56, as shown in figure 6B, Kaiser teaches shape information.

Regarding claim 58, Kaiser teaches in-band techniques for receiving annotation data (col. 5, ll. 45-54, col. 6-7, ll. 65-4).

Regarding claim 59, Kaiser teaches annotation data over a broadcast transmission with the video stream (col. 5, ll. 45-54).

Regarding claim 60, Kaiser teaches sending the annotation data over a broadcast transmission with the video stream (col. 5, ll. 45-54), which clearly would be received prior to the video stream in order to synchronize the display of the annotation data.

Regarding claim 61, Kaiser teaches sending the data over a separate transmission medium from the video (col. 5, ll. 45-54), which equates to an out of band signal.

Regarding claim 62, Kaiser teaches sending the data over a data communication network (col. 5, ll. 45-54).

Regarding claim 63, Kaiser teaches permitting the user to engage in purchasing an item (col. 12, ll. 29-65).

7. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser et al. and U.S. Patent 6,282,713 to Kitsukawa et al. in view of U.S. Patent 6,415,438 to Blackketter et al.

Regarding claim 57, Kaiser teaches displaying the annotations, but both Kaiser and Kitsukawa are silent on second timing information for removing the annotation data from the data store. Blackketter teaches expiring triggers (col. 3, ll. 13-22, col. 10, ll. 24-

35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser and Kitsukawa by indicating an expiration time in order to ignore invalid triggers (Blackketter: col. 10, ll. 24-35).

8. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser et al. and U.S. Patent 6,415,438 to Blackketter et al. in view of U.S. Patent to Hidary et al.

Regarding claim 34, Kaiser is silent on non-commercial information, which is taught by Hidary (col. 2, ll. 43-48, col. 8, ll. 18-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by providing non-commercial information as taught by Hidary in order to provide additional information to the user, such as web sites, thereby increasing user-interactivity.

9. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,774,664 to Hidary et al.

Regarding claim 64, Hidary teaches a content creation device (fig. 1, label 4) which clearly has a video source and produces a transport stream, which is inherent to MPEG-2 (col. 4, ll. 36-39). After the video program is created, Hidary teaches an annotation source, such as Uniform Resource Locators (URLs) (col. 4, ll. 40-47). Whereas Hidary teaches inserting the URL into the vertical blanking Interval (VBI) of a signal, Hidary clearly teaches MPEG-2 transmissions, which do not have a VBI. Hidary

does not explicitly teach a multiplexer. Official Notice is taken that multiplexers are well known in the art, such as multiplexing plural video channels onto a single physical channel. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hidary by using a multiplexer in order to transmit the URL as a data packet within the transport stream thereby efficiently sending information within a given channel. The embedded URL contains timing information in order to present the URLs at the appropriate time (col. 5, ll. 21 – 33, col. 7, ll. 31-33), which reads on synchronizing the annotation data with the video signal.

10. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,774,664 to Hidary et al. in view of U.S. Patent 6,415,438 to Blackketter et al.

Regarding claim 65, Hidary teaches inserting the URL at the time it is needed; but is silent on the timing information comprising one of a timestamp, timecode, frame numbering, or global time of day. Blackketter teaches inserting triggers with a time attribute (col. 4, ll. 64-67), such as a frame number (col. 6, ll. 16-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hidary by using time information such as a frame number as taught by Blackketter in order to eliminate a delay loop (Blackketter: col. 2, ll. 59-61).

11. Claims 66-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,774,664 to Hidary et al. in view of U.S. Patent 6,615,408 to Kaiser et al.

Regarding claims 66 and 67, Hidary teaches a URL which reads on textual data; but is silent on mask data and location information. Kaiser teaches a placement zone which references a product being displayed, wherein the placement zone is a location of an object (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hidary by using a placement zone (claimed mask data) including location information as taught by Kaiser in order to increase interactivity and enable the user to gather more information on a product.

Regarding claims 68-70, the combination of Hidary and Kaiser has been explained above. Further, Kaiser teaches placement zones for various frames (fig. 2, col. 6, ll. 9-17), wherein the placement can track an image at the upper left corner (col. 10, ll. 34-38). Whereas Hidary and Kaiser are silent on a location reference at the centroid pixel, Official Notice is taken that a center position is well known in the art, such as tracking an object by the center position. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hidary and Kaiser by using a center position (as a reference point) in order to properly track an image thereby increasing the effectiveness of the placement zone.

Regarding claims 71-73, the combination of Hidary and Kaiser has been explained above. Kaiser teaches location and shape information such as the shape and location of the car (col. 10, ll. 34-38), see figures 6A-6D, wherein the visual highlight (fig. 6B, label 6500) is a graphical overlay and has an outline of the car.

Regarding claim 74, Hidary and Kaiser are silent on a mathematical representation of set of pixels. Official Notice is taken that mathematical representation

of pixels are well known in the art, such as vectors used in video encoding in order to reduce the bandwidth by reducing duplicity of the pixels. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hidary and Kaiser by using a mathematical representation in order to save bandwidth and process the information at the client side.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ayk

CHRIS GRANT
PRIMARY EXAMINER